

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : DENYER et al.  
Appln. No. : 10/535,597  
Conf. No.: 7255  
Filed: November 20, 2003  
Title: IMPROVED INHALATION METHOD AND APPARATUS  
Group Art Unit : Unknown  
Examiner : Unknown  
Docket No. : 02-91

\* \* \* \* \*

April 11, 2006

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION  
(Filing Date Granted)**

Hon. Commissioner of Patents  
and Trademarks  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application, filing date granted, dated March 27, 2006, applicant hereby submits the following:

1. An original Combined Declaration and Power of Attorney for Patent Application form signed by inventors Jonathan S.H. Denyer and Ivan R. Prince;
2. A copy of the Notice to File Missing Parts, filing date granted, dated March 27, 2006 (Form PTO-1533); and

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on April 11, 2006 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

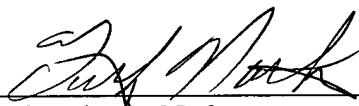
Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
Express Mail Label No. EL 997383716 US.

  
\_\_\_\_\_  
Timothy A. Nathan, Reg. No. 44,256

3. A Fee Transmittal Form, submitted in duplicate.

The Commissioner is hereby authorized to charge the surcharge for late filing of Declaration required under 37 C.F.R. § 1.16(e) to deposit account no. 50-0558. The Commissioner is also authorized to charge any other deficiency in the indicated fees or credit any overpayment to deposit account no. 50-0558.

Respectfully submitted,

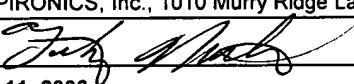
By   
Timothy A. Nathan  
Reg. No.: 44,256  
Tel. No.: (724) 387-4435  
Fax No.: (724) 387-5021

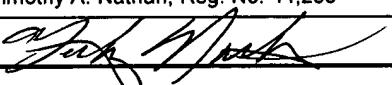
RESPIRONICS INC.  
1010 Murry Ridge Lane  
Murrysville, PA 15668-8525

<b>Mail Stop Missing Parts TRANSMITTAL FORM</b> <i>(To be used for all correspondence after initial filing)</i>		Application Number	10/535,597
		Filing Date	November 20, 2003
		Confirmation Number	7255
		Inventor(s)	DENYER et al.
		Group Art Unit	Unknown
Express Mail Label No.: EL 997383716 US		Examiner	Unknown
Total Number of Pages in This Submission: 10		Attorney Docket No.	02-91

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <i>(submit in duplicate)</i>	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> Issue fee Transmittal Form PTOL-85(b) + (c) and Cover Sheet
<input type="checkbox"/> Fee Attached \$ _____	<input type="checkbox"/> Cover Sheet	<input type="checkbox"/> After Allowance Communication to Group
Check No.: _____	<input type="checkbox"/> Drawing Change Authorization Request and Amended Figure(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Request for Return of PTO-1449 Forms	<input type="checkbox"/> Appeal Communication to Group ( <i>Appeal Notice, Brief, Reply Brief</i> )
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to the Commissioner	<input type="checkbox"/> Request for Continued Examination (RCE)
<input type="checkbox"/> Affidavits / Declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Request Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Address	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer(s)	<input type="checkbox"/> Request for Refund
<input type="checkbox"/> Form PTO-1449	<input type="checkbox"/> Certified Copy of Priority Document(s)	<input checked="" type="checkbox"/> Response to Missing Parts / Incomplete Application
<input type="checkbox"/> Cited References	<input checked="" type="checkbox"/> Certificate of Mailing by Express Mail	
<input type="checkbox"/> Search report		
<input type="checkbox"/> Drawing(s): Number of Pages _____ Number of Figs. _____ and cover sheet	<input type="checkbox"/> Other Enclosure(s): _____	
<input type="checkbox"/> Formal		
<input type="checkbox"/> Informal		

Current Due Date: May 27, 2006

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Individual and Company	Timothy A. Nathan, Reg. No. 44,256 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668
Signature	
Date	April 11, 2006

CERTIFICATE OF MAILING			
I hereby certify that this correspondence and all enclosures are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <u>April 11, 2006</u> , Express Mail Label No. <u>EL 997383716 US</u> .			
Typed Name	Timothy A. Nathan, Reg. No. 44,256		
Signature		Date	April 11, 2006

# FEE TRANSMITTAL

(Effective 12/08/2004)

"Express Mail" Label No. EL 997383716 US

**TOTAL AMOUNT OF PAYMENT** \$ 130.00

Application Number	11/535,597
Filing Date	November 20, 2003
First Named Inventor	DENYER et al.
Confirmation Number	7255
Group Art Unit	Unknown
Examiner's Name	Unknown
Attorney Docket No.	02-91

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

50-0558

Deposit Account Number  
Respirronics, Inc.

Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17, 1.19 and 1.20       Charge the Issue Fee set forth in 37 C.F.R. § 1.18

2.  Payment Enclosed:

Check (Check No. \_\_\_\_\_)

## FEE CALCULATION (fees effective 12/08/2004)

### 1. BASIC FILING, SEARCH, AND EXAM FEES

(Large Entity Only)

Appn. Type	Filing Fee(\$)	Search Fee(\$)	Exam Fee(\$)	Fees Paid
Utility	300	500	200	
Design	200	100	130	
Plant	200	300	160	
Reissue	300	500	600	
Provisional	200	0	0	

**SUBTOTAL (1)** \$ 0.00

### 2. CLAIMS

Total Claims	Extra Claims	Fee from Below	Fee Paid
—	— * —	50 =	

Ind. Claims	— * —	200 =	
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Multiple Dependent Claims add 360 =

\* Enter Highest Number Previous Paid For

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 360	2203 180	Multiple dependent claim
1204 200	2204 100	Reissue independent claims over original patent
1205 50	2205 25	Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** \$ 0.00

## FEE CALCULATION (continued)

### 3. APPLICATION SIZE FEE

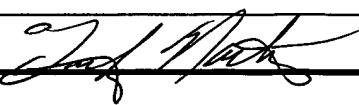
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 for each additional 50 sheets or fraction thereof. See 35 U.S.C. § 41(a)(1)(G) and 37 C.F.R. § 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 fraction thereof	Fee(\$)	Fee Paid(\$)
-100 =	/50 =	(round up to a whole number)	X 250 =	0.00

### 4. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or declaration	130.00
1811	100	1811	100	Certificate of Correction	
1812	2,520	1812	2,520	For filing a request for reexamination	
576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error	
1251	120	2251	60	Extension for response within first month	
1252	450	2252	225	Extension for response within second month	
1253	1,020	2253	510	Extension for response within third month	
1254	1,590	2254	795	Extension for response within fourth month	
1255	2,160	2255	1,080	Extension for response within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive unavoidably abandoned application	
1453	1,500	2453	750	Petition to revive unintentionally abandoned application	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1814	130	2814	65	Statutory Disclaimer	
1460	130	1460	130	Petitions to the Director	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of property)	
1801	790	2801	395	Request for Continued Examination	
1504	300	1504	300	Publication Fee	
Other Fee (specify)		04/18/2006 GFREY1	00000061 500558	10535597	
		01 FC:1617	130.00	<b>SUBTOTAL (3)</b>	\$ 130.00

## SUBMITTED BY

Typed or Printed Name	Timothy A. Nathan	Reg. Number	44,256
Signature		Date	April 11, 2006

## **Certificate of Mailing by "Express Mail"**

**EL 997383716 US**

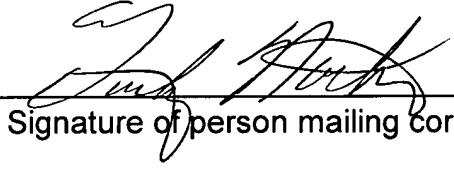
**"Express Mail" label number**

**April 11, 2006**

**Date of Deposit**

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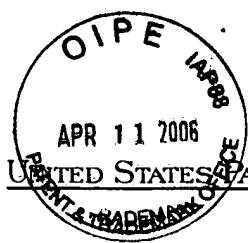
Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450.

  
**Signature of person mailing correspondence**

**Timothy A. Nathan**

**Typed or printed name of person mailing correspondence**

**Note: Each paper must have its own certificate of mailing by "Express Mail".**

PCT  
F

04-12-06

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/535,597	Jonathan S. H. DENYER	02-91

INTERNATIONAL APPLICATION NO.

PCT/GB03/05048

I.A. FILING DATE	PRIORITY DATE
11/20/2003	11/20/2002

30031  
 MICHAEL W. HAAS, INTELLECTUAL PROPERTY COUNSEL  
 RESPIRONICS, INC.  
 1010 MURRY RIDGE LANE  
 MURRYSVILLE, PA 15668

CONFIRMATION NO. 7255  
 371 FORMALITIES LETTER



\*OC00000018374398\*

Date Mailed: 03/27/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/19/2005
- Copy of the International Search Report filed on 05/19/2005
- Preliminary Amendments filed on 05/19/2005
- Information Disclosure Statements filed on 08/22/2005
- Oath or Declaration filed on 05/19/2005
- U.S. Basic National Fees filed on 05/19/2005
- Priority Documents filed on 05/19/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

• \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

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Telephone: (703) 308-9140 EXT 215

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/535,597	PCT/GB03/05048	02-91

FORM PCT/DO/EO/905 (371 Formalities Notice)